

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

JANET SCHATZER,

Plaintiff,

v.

Case Number 09-11080-BC
Honorable Thomas L. Ludington

BAY CITY PUBLIC SCHOOLS,

Defendant.

**ORDER GRANTING PLAINTIFF'S MOTION TO COMPEL AND EXTENDING CASE
MANAGEMENT SCHEDULE**

Plaintiff Janet Schatzer's complaint, alleging employment discrimination under state and federal law, was removed from state court to this Court on March 23, 2009. A case management and scheduling order was issued on May 12, 2009. Following a telephone status conference held on August 25, 2009, the Court amended the scheduling order to provide more time for discovery and trial preparation. [Dkt. # 8]. Now before the Court is Plaintiff's motion to compel discovery and amend the case management and scheduling order. [Dkt. # 9]. The motion was filed on October 14, 2009, and the time to respond has elapsed. Defendant Bay City Public Schools did not respond to the motion.

Plaintiff's motion asks the Court to direct Defendant's responses to Plaintiff's first set of interrogatories, served on March 10, 2009, and second set of interrogatories, served on August 27, 2009. Defendant did not respond to either set of interrogatories. Pursuant to the Federal Rules of Civil Procedure, any party may serve on any other party twenty-five interrogatories, or more with the Court's permission. Fed. R. Civ. P. 33(a). The party who receives the interrogatories must

answer them within thirty days or serve specific objections and explain why it did not respond. Fed. R. Civ. P. 33(b)(2), (4). Accordingly, Defendant's responses are overdue.

Even though Plaintiff has served Defendant with more than the twenty-five interrogatories permitted by the rule, Defendant did not respond to any of the interrogatories or file opposition to Plaintiff's motion to compel. Moreover, depending on how the discreet subparts of Plaintiff's interrogatories are counted, the number of interrogatories only exceeds the limit by a few questions. Consequently, the Court will direct Defendant to respond to all of Plaintiff's interrogatories within two weeks.

Plaintiff has also asked the Court to direct Defendant's response to Plaintiff's first set of requests for document production. The requests were served on Defendant on March 10, 2009 and Plaintiff has not received any response. The Federal Rules obligated Defendant to respond or object by mid-April 2009, consequently, the Defendant's responses are six months overdue. Fed. R. Civ. P. 34(b)(2). Defendant will be directed to produce all requested documents within two weeks.

Finally, Plaintiff has asked the Court to extend discovery and push back the other scheduling dates. Discovery was scheduled to end on October 30, 2009. Because Defendant did not respond to Plaintiff's discovery requests, that deadline has passed without the completion of discovery. Consequently, the Court will extend the scheduled dates sixty days.

Accordingly, it is **ORDERED** that Plaintiff's motion to compel discovery and extend the scheduling order [Dkt. # 9] is **GRANTED**.

it is further **ORDERED** that Defendant is **DIRECTED** to respond to each of Plaintiff's interrogatories by **November 16, 2009**.

It is further **ORDERED** that Defendant is **DIRECTED** to provide each of the requested documents by **November 16, 2009**.

It is further **ORDERED** that the case management and scheduling order is **AMENDED** as follows:

- Pretrial Disclosures Due: April 14, 2010
- Discovery Cutoff: January 4, 2010
- Motions Challenging Experts Filed By: March 5, 2010
- Dispositive Motions Filed By: March 5, 2010
- Motions In Limine Filed By: April 30, 2010
- Final Pretrial Order and Jury Instructions Due: May 26, 2010
- Final Pretrial Conference: June 2, 2010 at 2:30 p.m.
- Trial Date: June 15, 2010 at 8:30 a.m.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: November 3, 2009

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on November 3, 2009.

s/Tracy A. Jacobs
TRACY A. JACOBS